

1 CHRISTOPHER P. BURKE
2 STATE BAR NUMBER 4093
3 *attycburke@charter.net*
4 702 Plumas Street
5 Reno, Nevada 89509
6 (775) 333-9277
7 Attorney for Debtors

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9 UNITED STATES BANKRUPTCY COURT
10 FOR THE DISTRICT OF NEVADA
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13 IN RE:

14 JOSEPH GREGORY ROWBOTTOM III
15 and CATHY JEAN ROWBOTTOM

16 DEBTORS.

Case No: BK-16-51152-BTB
(Chapter 13)

MOTION TO MODIFY
CONFIRMED CHAPTER 13
PLAN

Hearing Date: 1/21/2021
Hearing Time: 3:00 p.m.

17 COMES NOW, Debtors, Joseph Gregory Rowbottom III and Cathy Jean
18 Rowbottom, ("Debtors" or "the Rowbottoms"), through their attorney, Christopher P.
19 Burke, Esq., and move to modify their Chapter 13 Plan based on the following grounds:

20 1. The Rowbottoms filed their Chapter 13 bankruptcy on September 15, 2016.
21 2. The Rowbottoms' Chapter 13 Plan was confirmed by this Court on December
22 8, 2016 and the Order Confirming Chapter 13 plan was entered on December 16, 2016
23 [Dkt. 20].

24 3. That Debtor's confirmed Chapter 13 Plan provided for a base of \$36,570
25 payment to:

(1) Nevada West Financial of \$13,628.29 with 6% interest for a 2005
Ford F150.

(2) Honor Finance of \$11,471 with 6% interest for a 2014 Nissan Versa.

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2 5. That over the last couple years, Debtors have been struggling to make their
3 plan payments, and have become behind. The Trustee filed a Motion to Dismiss on
4 September 15, 2020 (Dkt. 27), and Debtors filed an Opposition on October 1, 2020 (Dkt.
5 30). Debtor, Cathy Jean Rowbottom, has been unemployed due to the pandemic as the
6 company she worked for is based in California. Mrs. Rowbottom has not been able to
7 find new employment yet.

8 6. To date, the Rowbottoms have paid \$28,075 into their plan.

9 7. That the Rowbottoms seek to modify their Chapter 13 Plan by extending their
10 Chapter 13 Plan by twenty four (24) months to September 2023 pursuant to the CARES
11 Act of 2020.

12 8. That the Rowbottoms seek to modify their Chapter 13 payment schedule as
13 follows:

14 In addition to the \$28,075 they have already paid in:

15 Payments are to be: \$275 per month, commencing December 2020 through
16 September 2023 (34 months), totaling \$9,350. In addition to the \$28,075 the
17 Rowbottoms have paid in, the base would be \$37,425.

18 9. The general unsecured creditors will receive the same amount on their claims
19 as a result of this modification.

20 10. The Debtors' plan meets all the mandatory requirements of the Chapter 13
21 Plan.

22 11. That Christopher P. Burke, Esq. has been compensated in the sum of \$100
23 directly from the Debtors, and requests that he be compensated an additional sum of
24 \$995 through the plan, for the additional time and work spent on this case.

WHEREFORE, the Debtors pray:

- 1) That the Court allow the Rowbottoms to modify their Chapter 13 Plan to extend their plan an additional twenty-four (24) months to September 2023 pursuant to the CARES Act of 2020.
- 2) That the Court allow the Rowbottoms to modify their Chapter 13 plan payments as follows; That in addition to the \$28,075 already paid in, the Rowbottoms' payments will be as follows:
\$275 per month commencing December 2020 for every consecutive month through September 2023.
- 3) That the Court allow Christopher P. Burke, Esq. the \$100 he received from the Debtors directly and additional attorney fees of \$995 requested to be paid through the plan for the additional time and work spent on this case.
- 4) Any other relief deemed just and proper.

DATED this 9TH day of December 2020.

/s/ Christopher P. Burke, Esq.
Christopher P. Burke, Esq.
Attorney for Debtors